

U.S. Department of Justice



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New York, New York 10007*

August 12, 2019

BY ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Richard Gaffey and Harald Joachim von der Goltz*, 18 Cr. 693 (RMB)

Dear Judge Berman:

The Government respectfully submits this letter requesting an adjournment of the trial in this case. On March 12, 2019, the Court held a status conference in which it set a trial date of October 28, 2019, along with dates for pretrial submissions and a pretrial conference. At the March 12 status conference, the Government informed the Court that it would be moving for a pretrial conference under Section 2 of the Classified Information Procedures Act, 18 U.S.C. App. III (“CIPA”), and that it was possible that compliance with the procedures set forth in CIPA could necessitate a delay in the trial date. *See* Tr. of March 12, 2019 Conf., at 6-7. On July 29, 2019, the Court held an *ex parte* pretrial conference pursuant to Section 2 of CIPA. At that time, the Government informed the Court that due to certain developments that had not been previously anticipated, additional time would be required to complete the CIPA process. The Court ordered the Government to meet and confer with the defense regarding a new trial date.

The Government and the defense have met and conferred regarding a schedule for trial and have agreed to an adjournment of trial to January 13, 2020. The parties additionally request that the following schedule be set in connection with this trial date:

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December 16, 2019: Due date for pretrial submissions, including motions in limine, joint jury charges and verdict sheet, and names and places for voir dire.

December 23, 2019: Due date for responses to motions in limine.

January 6, 2020: Final pretrial conference.

January 13, 2020: Trial.

Because the purpose of this requested adjournment is to ensure that the Government complies with its discovery obligations in accordance with the procedures set forth in CIPA, the parties jointly submit that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial, and request that the Court accordingly exclude time under 18 U.S.C. 3161(h)(7)(A) and (B), from October 28, 2019, until January 13, 2020. The Government has met and conferred with defense counsel, who consents to these requests.

Respectfully submitted,

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